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Notice of Appeal From the Primary Examiner to the
Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: May 20, 2009

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In the United States Patent and Trademark Office

In re application of: James P. Elia

Docket No.: Case No. 1 (796-P-12)

Serial No. 09/064,000

Group No.: 1647

Filed: April 21, 1998

Examiner: Daniel C. Gamett

For: METHOD FOR GROWTH OF SOFT TISSUE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail
in an envelope addressed to MAIL STOP AF, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

MAY 20, 2009

Signature

Date of Signature

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed February 26, 2009 finally rejecting claims 403-405 and 407-412.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

☒ a small entity

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

☒ a small entity

Notice of Appeal fee due: \$ 270.00

☒ A filing fee in the amount of \$250 for the Notice of Appeal filed April 18, 2006 was paid,
and a filing fee in the amount of \$5.00 for the Notice of Appeal filed August 4, 2008 was paid;
therefore, pursuant to MPEP 1204.01, \$ 255.00 is deducted from the total fee due for the
instant Notice of Appeal.

☒ Notice of Appeal fee due with this request

05/26/2009 HVUONG1 00000060 09064000 \$ 15.00

01 FC:2401

270.00 0P

Adjustment date: 05/26/2009 HVUONG1
08/04/2008 SSESHE1 00000005 09064000
01 FC:2401 -255.00 0P

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3. Extension of Terma) ☐ Extension requested:

<u>Extension (months)</u>	<u>Fee for small entity</u>
one month	\$ 65.00
two months	\$ 245.00
three months	\$ 555.00
four months	\$ 865.00
five months	\$1,175.00

☐ Request Extension for _____ month(s) = Fee \$ _____ Extension fee due: \$ _____☐ An extension for _____ months has already been secured and the fee paid; therefore \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. Total Fee Due☒ The total fee due is:☒ Notice of Appeal fee \$15.00☐ Extension fee (if any) \$ _____**Total Fee Due: \$ 15.00****5. Fee Payment**☒ Attached is Check No. 1771 in the sum of \$ 15.00

Date: May 20, 2009

Reg. No.: 26,611


Signature of attorney

Gerald K. White

Type or print name of attorney

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